

Appl. No.: 10/676,506
Amdt.dated 01/06/2006
Reply to Office action of 10/06/2005

REMARKS/ARGUMENTS

Claim 1 has been amended to further clarify the invention. Claim 5 has been cancelled. Claim 6 has been amended to recite that the batting board includes a combination of continuous and chopped fibers. New Claims 26 and 27 are directed to an embodiment wherein the batting board comprises multiple layers of fibers and wherein one of the layers comprises chopped ceramic fibers. Support for these amendments are found throughout the specification.

Claims 1 – 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated, or alternatively, under 103(a) as being unpatentable over U.S. Patent No. 4,868,142 to Waisala et al. The Office Action asserts that Waisala discloses a ceramic fiber composition comprising a frit that is mixed with ceramic fibers and a low temperature binder. The low temperature binder can be mixed with water to form a gel. Waisala describes hydroxypropyl methylcellulose and methylcellulose ether as possible low temperature binders. The Office Action asserts that since the binder described in Waisala is the same as the binder material of instant application, it is reasonable to presume that the binder of Waisala would inherently possess “reverse thermal gelation properties” as recited in the claims.

Waisala further states that the fibers can comprise alumina silicate and can have a length from 0.125 to 0.25 of an inch. Fibers having a length of greater than 0.5 of an inch can also be used. Waisala describes a process wherein the fibers are mixed with the binder/frit combination before the mixture is molded or extruded. As a result, the fibers of Waisala will have a random orientation within the ceramic composite. The resulting mixture may be molded or extruded to form an article having a desired shape. The article can be fired at an elevated temperature to drive off the binder.

To further clarify the invention, Claim 1 has been amended to recite that the ceramic fibers are continuous and have a generally aligned orientation. According to page 10 of the instant application, continuous fibers have a length that is generally greater than about 4 inches. The claimed invention is prepared by a process wherein a binder is applied to at least one layer of a pre-formed ceramic fiber batting. In contrast, Waisala describes a process where the fibers are mixed with a binder before extruding. As a result, the ceramic fiber composition described in Waisala comprises fibers having a random orientation that are not generally aligned with each other. Such a structure is not described in Waisala. In addition, Waisala states that the fibers

Appl. No.: 10/676,506
Amdt. dated 01/06/2006
Reply to Office action of 10/06/2005

have a length that is between about 0.125 and 0.25 of an inch and that "fibers over 0.125 inch will be reduced in length during the mixing process." See column 4, lines 56-57. Thus, Waisala actually teaches away from the claimed invention because it describes a process that will result in non-continuous fibers and fibers that are randomly oriented with respect to each other. Such mixing would necessarily prevent the fibers from being aligned with each other and would result in the fibers being reduced in length. Thus, the claimed invention is not disclosed or suggested by Waisala.

New Claims 26 and 27 are directed to a multilayered batting board comprising having multiple layers of ceramic fibers. Waisala does not disclose or suggest a multilayered ceramic structure. Thus, New claims 26 and 27 are also patentable over the cited reference.

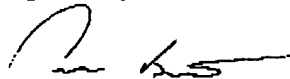
In view of the foregoing amendments and remarks, it is respectfully submitted that the rejections of Claims 1 – 10 under 35 U.S.C. § 102(b) and 103(a) have been overcome.

Conclusion

In view of the amendments and remarks made above, Applicant submits that the pending claims are now in condition for allowance. Applicant respectfully requests that the claims be allowed to issue. If the Examiner wishes to discuss the application or the comments herein, the Examiner is urged to contact the undersigned attorney by telephone at 704-444-1185 to expedite prosecution of this application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



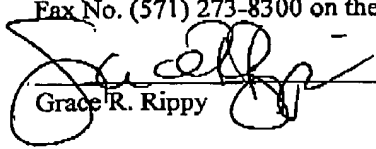
Timothy J. Baltts
Registration No. 51,429

Appl. No.: 10/676,506
Amdt. dated 01/06/2006
Reply to Office action of 10/06/2005

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01/4755557v1

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at
Fax No. (571) 273-8300 on the date shown below.


Grace R. Rippe

January 6, 2006
Date